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PTO/SB/30 (10/01)

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RCE  
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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provided for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/370,373
Filing Date	August 10, 1999
First Named Inventor	Hacker et al.
Group Art Unit	1616
Examiner Name	S. Mark Clardy
Attorney Docket Number	514413-3766

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under CFR 1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to  
**Deposit Account No. 50-0320.**

- b. ☒ Check in the amount of \$770.00 is enclosed for the following:

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

02/03/2005 HDEMESS1 00000068 500320 09370373  
01 FC:1801 20.00 DA 770.00 DP

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104
Signature	Howard C. Lee	Date	January 31, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Name (Print/Type)	Charles B. Jackson	Mailing Label Number:	EV 375021033 US
Signature	Charles B. Jackson	Date	January 31, 2005



PATENT  
514413-3766

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Hacker et al.  
U.S. Serial No. : 09/370,373  
Filing Date : August 10, 1999  
For : HERBICIDAL COMPOSITIONS FOR TOLERANT OR  
RESISTANT MAIZE CROPS  
Group Art Unit : 1616  
Examiner : S. Mark Clardy  
Confirmation No. : 8023

745 Fifth Avenue  
New York, New York 10151

**EXPRESS MAIL**

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Date of Deposit: January 31, 2005

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Charles B. Jackson

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

**PRELIMINARY AMENDMENT WITH A REQUEST FOR CONTINUED  
EXAMINATION UNDER 37 C.F.R. §1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In lieu of payment of the Issue Fee for the Notice of Allowance mailed on November 2, 2004, the Applicants respectfully submit a Request for Continued Examination (RCE) and this Preliminary Amendment. A check in the amount of \$770.00 in payment for the filing of the

RCE has been included with this paper. No other fees are believed to be occasioned by this paper, however any additional fees or any overpayment in fees, may be charged or credited to Deposit Account No, 50-0320.